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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,146

11/13/2003

Toru Ozaki

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05/31/2005

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New York, NY 10004

EXAMINER

PHAM, TOAN NGOC

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,146

Applicant(s)

OZAKI ET AL.

Examiner

Toan N. Pham

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-66 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 34-41, 58 and 62-66 is/are rejected.
- 7) ☒ Claim(s) 42-57 and 59-61 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/09/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34-40, 58, and 62-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Kang et al. (US 6,035,230).

Regarding claim 34: Kang et al. discloses all the claimed limitations with respect to the living body information detection system comprising a living body information detection unit comprising at least one living body information detecting sensor (20) for detecting a living body information signal of a wearer, and means for transmitting living body information data; a living body information monitoring unit (30) comprising means for receiving the living body information data transmitted by the living body information detection unit, a storage device (33) for storing the living body information data for a predetermined time, and means for transmitting the living body information data through a public line; a host server (300) comprising means for receiving the living body information data transmitted by the living body information monitoring unit, and at least one of a storage device for storing the living body information data and a display device (50) for displaying the living body information data; and control means (63) for controlling the living body information detection unit after the living body information

detection unit has detected the living body information signal (col. 3, line 1-col. 5, line 10).

Regarding claim 35: Kang et al. discloses all the claimed limitations with respect to the living body information detection system comprising a living body information detection unit comprising at least one living body information detecting sensor (20) for detecting a living body information signal of a wearer, and means for transmitting living body information data; a living body information monitoring unit (30) comprising means for receiving the living body information data transmitted by the living body information detection unit, a storage device (33) for storing the living body information data for a predetermined time, and means for transmitting the living body information data through a public line; a host server (300) comprising means for receiving the living body information data transmitted by the living body information monitoring unit, and at least one of a storage device for storing the living body information data and a display device (50) for displaying the living body information data (col. 3, line 1-col. 5, line 10).

Regarding claim 36: Kang et al. discloses the claimed A/D converter (25); a living body digital signal control (27); a first and second memory of ROM and RAM (31, 33), a living body information detecting sensor (20), a living body information data transmitter/receiver (40), and a central processing unit (300) (col. 3, line 1-col. 5, line 10; Figs. 2-3).

Regarding claim 37: Kang et al. discloses the claimed living body information data judging unit (35), and the living body information detecting sensor (21) (col. 3, line 1-col. 5, line 10; Figs. 2-3).

Regarding claim 38: Kang et al. discloses the living body information detection unit selects a first living body information detecting sensor from the at least one living body information detecting sensor based on an output result from the first living body information data judging unit, and transmits the selection result to the living body information monitoring unit through the living body information data transmitter/receiver unit (col. 3, line 1-col. 5, line 10; Figs. 2-3).

Regarding claim 39: Kang et al. discloses living body digital data processing means for data processing on the digital living body signal; performing and normal-time living body information transmitting means for storing the processed data obtained by the living body digital data processing means or digital living body data comprised of the digital living body signal stored in the RAM for a predetermined time, and transmitting first normal-time transmission data comprised of at least one of the living body digital data and the wearer identification information to the living body information monitoring unit at a predetermined timing or when receiving a polling command transmitted by the living body information monitoring unit (col. 3, line 1-col. 5, line 10; Figs. 2-3).

Regarding claim 40: Kang et al. discloses system the living body information detection unit further comprises abnormal-time living body information transmitting means for outputting an abnormality signal indicating an abnormality from the first living body information data judging unit of the living body information detection unit when a value of the living body digital data is judged to be outside the preset value range in the first living body information data judging unit, and immediately transmitting first abnormal-time transmission data comprised of the abnormality signal, the wearer

identification information, and the living body digital data, and deleting the abnormal-time transmission data, or storing the abnormal-time transmission data in the RAM for a predetermined time, and at a predetermined timing or when receiving the polling command transmitted by the living body information monitoring unit, transmitting the first normal-time transmission data to the living body information monitoring unit when the value of the living body digital data is judged to be within the preset value range in the first living body information data judging unit (col. 3, line 1-col. 5, line 10; Figs. 2-3).

Regarding claim 58: Kang et al. discloses the living body information monitoring unit performs a sensor operation control in response to a signal detected by the living body information detection unit (col. 3, lines 36-66).

Regarding claim 62: Kang et al. discloses the information detection unit further comprises a call button (10) that controls sensor operation when pressed (Fig. 2).

Regarding claim 63: Kang et al. discloses the living body information detection unit transmits the living body information data to the living body information monitoring unit based on the living body information signal detected by the at least one living body information detecting sensor, or controls the at least one living body information detecting sensor by itself (col. 3, line 1-col. 5, line 10; Figs. 2-3).

Regarding claims 64-66: Kang et al. discloses the sensor is a biological signal sensor (col. 3, lines 36-66); thus, biological sensor senses the conditions of bodily states and therefore; are inherent of heartbeat, glucose level, and movement.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kang et al. (US 6,035,230) in view of Swedlow et al. (US 5,746,697).

Regarding claim 41: Kang et al. discloses all the claimed limitations except the power-save state. Although many systems and devices with "power-save" or "sleep mode" are well known in the art of power conservation; the Swedlow et al. reference is cited to show the teaching of such feature. Swedlow et al. discloses a medical diagnostic apparatus which utilizes a device with a "sleep mode" to conserve battery power during a normal operation mode (abstract). At the time of the invention, it would have been obvious to one of ordinary skill in the art to utilize the "power-save" mode as taught by Swedlow et al. in a system as disclosed by Kang et al. for providing a long lasting, dependable and an effective monitoring device.

Allowable Subject Matter

Claims 42-57 and 59-61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of Bardy (US 6,893,397), Odagiri et al. (US 6,786,866), Kane et al. (US 6,784,826), and Suzuki et al. (US 6,569,094) are cited to show a variety of living body monitoring systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan N. Pham whose telephone number is (571) 272-2967. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May 27, 2005

TOAN N. PHAM
PRIMARY EXAMINER

